

SCOTTSDALE

CITY COUNCIL MEETING

NOTICE AND AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, May 2, 2006

4:00 P.M.

MARKED AGENDA

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:03 PM**

Roll Call – **ALL PRESENT**

1. REQUEST FOR EXECUTIVE SESSION TO:

- A. Discuss and consult with the attorneys of the public body for legal advice and to consider its position and instruct its attorneys regarding the public body's position, including settlement, in pending litigation, *B&F Contracting, Inc. versus City of Scottsdale*, Cause Number CV2004-018006, currently pending in the Maricopa County Superior Court.
A.R.S. § 38-431.03(A)(3-4). Contacts: Deborah Robberson, City Attorney, (480) 312-2405, drobberson@scottsdaleaz.gov; Mary Grace McNear, Assistant City Attorney, (480) 312-2405, mmcnear@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION TO:

- A. Discuss and consult with the attorneys of the public body for legal advice and to consider its position and instruct its attorneys regarding the public body's position, including settlement, in pending litigation, *B&F Contracting, Inc. versus City of Scottsdale*, Cause Number CV2004-018006 currently pending in the Maricopa County Superior Court.
A.R.S. § 38-431.03(A)(3-4).

Adjourn to Executive Session – **4:05 PM**

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:04 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **COUNCILMEMBER DRAKE**

Invocation – **NONE**

Presentations/Information Updates

Scottsdale Cultural Council Semi-Annual Report

Boards, Commissions, and Task Force Nominations: (Note: Interviews and Appointments Scheduled for May 15, 2006)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select several nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Board of Adjustment (1) – **PATRICK DAVIS, MICHAL JOYNER**

Building Advisory Board of Appeals (1) – **THOMAS SCHLEIFER**

Development Review Board (1 Design, 2 Development) – **PERRY BECKER, DAVID BRANTNER, MICHAEL D'ANDREA, MICHAEL EDWARDS, DANIEL PEREZ, THOMAS RIEF, THOMAS SCHLEIFER**

Environmental Quality Advisory Board (1) – **RONALD HAND**

Housing Board (1) – **NANCY CANTOR, NICHOLAS THOMAS**

Library Board (1) – **CAMILLE SCHMIDT**

Scottsdale Pride Committee (3) – **DONNA HARDIN, LINDA PREISSER**

Transportation Commission (3) – **JOEL BRAM'O WETH, KELLY MCCALL, ANDREA MICHAELS, JACK SISLEY, JOSH WEISS, ALAN WULKAN**

Public Comment – **RICHARD FUENKE SUBMITTED A PETITION REGARDING BOOSTER STATION AND PARKING; DARLENE PETERSEN INVITED COUNCIL TO ATTEND MEETINGS AT PAPAGO PARK, AND REQUESTED NO RAIL, RESORT, OR RESTAURANTS BE PERMITTED IN THE AREA; LYLE WURTZ DETAILED HIS CONCERNS WITH SOUTH SCOTTSDALE AND THE COUNCIL; CHERYL MENDENHALL REQUESTED LOWER SPEED LIMITS, AND ENFORCEMENT OF TIME LIMITATIONS FOR TRUCK TRAFFIC ON McDONALD DRIVE.**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Approval of Minutes – **- OK – 7/0**

SPECIAL MEETINGS

[March 30, 2006](#)

REGULAR MEETINGS

[April 4, 2006](#)

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. Parmigiano Permanent Extension of Premises – OK – C

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises to add a patio.

Location: 23535 N. Scottsdale Road, Suite 102

Reference: 12-EX-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. Gmotti Restaurant Liquor License – OK – C

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

Location: 10434 E. Jomax Road

Reference: 13-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. Native New Yorker Restaurant Liquor License – OK – C

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 9030 E. Via Linda, Suites 1 and 2

Reference: 19-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. Taneko Japanese Tavern Restaurant Liquor License – OK – C

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

Location: 6166 N. Scottsdale Road, Suite 601

Reference: 20-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, May 2, 2006
Page 4 of 7

5. **Bollywood Brasserie Restaurant Liquor License – OK – C**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 10155 E. Via Linda, Suite H135

Reference: 21-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

6. **Contract Modification and Extension of Property-Casualty Insurance Agent/Broker Services – OK – C**

Request: Authorize a contract modification and extension (Contract No. 2002-022-COS-A4) to secure the professional services of a Property Casualty insurance agent/broker with Marsh USA, Inc., for services to be rendered for the period May 28, 2006 to 2007.

Staff Contact(s): Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdaleaz.gov

7. **Intergovernmental Agreement Among the City of Scottsdale, the Arizona Department of Transportation and the Salt River Pima Maricopa Indian Community – MOTION TO APPROVE – OK – 7/0**

Request: Adopt Resolution No. 6880 to authorize IGA No. 2006-030-COS with the Arizona Department of Transportation and the Salt River Pima Maricopa Indian Community for cost sharing and establishing responsibilities for undertaking pre-design study, corridor master plan and design concept plans for Pima Road from the intersection of McDowell Road on the south to the 90th Street/Loop 101 Interchange on the north.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

8. **Code of Ethics for City Officials – OK – C**

Requests:

1. Adopt Resolution No. 6879 adopting the Public Service Ethics Program For City Officials developed by the Scottsdale Citizen Code of Ethics Task Force; and,
2. Adopt Ordinance No. 3675 amending the Scottsdale Revised Code to add a Code of Ethical Behavior for City Officers and making the Code of Ethical Behavior applicable to members of City boards and commissions.

Staff Contact(s): Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov

9. **Modular Office Furniture for District 2 Police Facility – OK – C**
Request: Adopt Resolution No. 6886 authorizing the City's Purchasing Director to purchase modular office furniture from Concert Architectural Interiors pursuant to Maricopa Community Colleges Contract 2381-8, in the amount of \$385,911.94.
Reference: The City of Scottsdale Procurement Code Section 2-191, Procurement from Solicitation by Other Governmental Entities allows the City to purchase goods and services from other governmental contracts provided the contracting entity followed a solicitation process that was similar to a process that would have been followed by the City of Scottsdale.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
10. **Engineering Services Contract for the Design of Upper Camelback Wash Drainage and Upper Camelback Wash Multi-use Path Projects – OK – C**
Request: Authorize Engineering Services Contract No. 2006-026-COS with Primatech, LLC in the amount of \$425,000 for the design of Upper Camelback wash drainage and Upper Camelback Wash multi-use path projects.
Related Policies, References:
 - Design Concept Report, Upper Camelback Wash, June 15, 2003
 - Council awarded Engineering Services Contract No. 2003-154-COS to Stantec Consulting on October 14, 2003 for design services for Upper Camelback Wash drainage and multi-use path and Cactus Road CIP projects
 - City Council adopted Resolution No. 6719 on August 29, 2005 authorizing the acquisition of approximately 2.37 acres of property located on the southeast corner of 96th Street and Larkspur Drive**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov
11. **Settlement of Almazan v. City of Scottsdale, et al. – OK – C**
Request: Adopt Resolution No. 6892 authorizing settlement in the amount of \$75,000 to resolve a lawsuit entitled *Almazan v. City of Scottsdale, et al.*, Cause No. C 2005-0823, currently pending in the Pima County Superior Court.
Staff Contact(s): Deborah W. Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:dروbberson@scottsdaleaz.gov); Sherry Scott, Assistant City Attorney, 480-312-7816, sscott@scottsdaleaz.gov
12. **Amend Scottsdale Revised Code Relating to Court Ordered Alcohol or Other Drug Screening. Education or Treatment Upon Conviction – OK – C**
Request: Approve Ordinance No. 3676 amending Section 19-8 of the Scottsdale Revised Code, to clarify that alcohol is covered by this ordinance, and mandating a court ordered alcohol or other drug screening, education or treatment program upon conviction.
Reference: Chapter 19, Scottsdale Revised Code
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov; Deborah W. Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:dروbberson@scottsdaleaz.gov)

13. **Federal Emergency Management Agency Assistance to Firefighters Grant – OK – C**
Requests:
1. Authorize the City of Scottsdale Fire Department to accept a grant from the Federal Emergency Management Agency Assistance to Firefighters Grant program grant for \$241,479. The grant will be used to purchase and install a diesel exhaust removal system in City of Scottsdale fire stations. The City is required to match the grant.
 2. Authorize the transfer of \$103,491 in General Fund Contingency funds to the grant center for the required grant match.
 3. Authorize the transfer of \$241,479 from the Future Grants budget adopted in the FY 2005/06 Grants Budget to the center assigned to record all the grant activity.
- Staff Contact(s):** William L. McDonald, Fire Chief, 480-312-1880, wmcDonald@scottsdaleaz.gov
14. **Industrial Development Bonds for Scottsdale Healthcare – OK – C**
Request: Adopt Resolution No. 6888 upholding the approval of the Scottsdale Industrial Development Authority for the authorization of the issuance of up to \$400 million in Industrial Development Revenue Bonds to Scottsdale Healthcare for the construction of the Thompson Peak hospital campus, and for the refinancing of existing bonds; and declare an emergency to enable Scottsdale Healthcare to sell these bonds immediately, thus avoiding possible interest rate changes.
Staff Contact(s): David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

15. L Restaurant – MOTION TO CONTINUE TO DATE UNCERTAIN – OK – 7/0

Requests:

1. Approve the purchase of 14 in-lieu parking spaces for property located at 3608 N. Scottsdale Road.
2. Adopt Resolution No. 6878 affirming the purchase of in-lieu parking spaces.

Location: 3608 N. Scottsdale Road

Reference: 26-DR-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

16. Conditional Use Permit Text Amendment for Private and Charter Schools – MOTION TO CONTINUE TO DATE UNCERTAIN, AND DIRECT STAFF TO RESEARCH ADDITIONAL ISSUES – OK – 7/0

Requests:

1. Approve a Text Amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455), to amend Article III, Definitions; and Article V, District Regulations, Section 5.012 (B) Uses Subject to Conditional Use Permit, No. 8, Private and Charter Schools.
2. Adopt Ordinance No. 3674 affirming the text amendment.
3. Adopt Resolution No. 6891 declaring the text amendment as a public record.

Location: Citywide

Reference: 1-TA-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

City Manager's Report – NONE

Mayor and Council Items – NONE

Public Comment – NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

Adjournment – 7:07 PM